

Ms. Shelly Heston
Environmental Manager
Climax Molybdenum Company
P.O. Box 220
2598 Highway 61
Fort Madison, Iowa 52627

18 JUL 2006

Dear Ms. Heston:

RE: Climax Molybdenum Company
Fort Madison, Iowa
RCRA ID No. IAD000222653

On June 24, 2003, representatives of the U. S. Environmental Protection Agency (EPA) inspected your facility. As a result of the inspection, Climax Molybdenum Company (Climax) was issued a Notice of Violation for failing to label and date spent fluorescent light bulbs. In your response to that NOV, you stated that conditionally exempt small quantity generators (CESQG's) do not need to comply with the universal waste regulations. On October 16, 2003, EPA sent you a Letter of Compliance retracting the NOV. It has come to my attention that I was incorrect to retract the NOV. CESQG's must determine whether or not any wastes generated are hazardous or non-hazardous, including spent fluorescent light bulbs per Title 40 Code of Federal Regulations (CFR) § 261.5(g). Climax, as a CESQG, has the option of managing spent fluorescent light bulbs as hazardous waste, if Climax has determined them to be hazardous waste, or as "Universal Waste" per 40 CFR § 261.5(c)(6).

I would like to remind you that your facility is responsible for maintaining compliance with all applicable hazardous waste regulations. Please note that EPA reserves its enforcement authorities, including assessment of penalties, for violations that occur at any time. If there are any questions regarding this matter, please contact me at (913) 551-7887.

Sincerely,

James Aycock
Compliance Officer
RCRA Enforcement and State Programs Branch

Enclosure

cc: Cal Lundberg
Iowa Department of Natural Resources
bcc: Gary Witkovski
ENSV

ARTD/RESP:cas:h:/JAYCOCK/7-6-06CLIMAXLETTER.DOC/071206

RESP
AYCOCK
07/12/06

RESP
SNOWDEN
07/13/06

466698



RCRA RECORDS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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